
**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

J.D. and R.D.

Plaintiffs

v.

BENJAMIN PRICE; SULZER TURBO SERVICES
NEW ORLEANS, INC.; DELTA AIR LINES, INC.;
OHIO VALLEY BISTROS, INC., HOST
INTERNATIONAL, INC., and HMSHOST
CORPORATION

Defendants

CIVIL ACTION

CASE NO. 2:20-cv-749

**STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF ITS MOTION
FOR SUMMARY JUDGMENT OF DEFENDANT, DELTA AIR LINES, INC.,
PURSUANT TO LOCAL RULE 56 (B)1**

Pursuant to Local Civil Rule 56.1, defendant Delta Air Lines, Inc. (“Delta”) asserts the following Statement of Material Facts in support of its Motion for Summary Judgment:

1. On May 20, 2018, plaintiff J.D. was a passenger on Delta Air Lines Flight 1860 from Pittsburgh, Pennsylvania to Hartsfield-Jackson Atlanta International Airport in Atlanta, Georgia. (Plaintiffs’ Second Amended Complaint at ¶17, attached as Exhibit “A”).

2. Defendant, Benjamin Price, was also a passenger on Delta Air Lines Flight 1860 and was seated next to plaintiff J.D. (Exhibit “A” at ¶18).

3. Prior to boarding the subject flight, defendant Benjamin Price was drinking alcoholic beverages at TGI Friday’s restaurant in the Pittsburgh International Airport. (Exhibit “A” at ¶21).

4. There is no evidence or testimony that supports the claim that Defendant Price was “heavily and visibly intoxicated” upon boarding the subject flight despite Plaintiffs’ allegation of the same. Nor is there any evidence Delta observed any behavior that would put it on notice that Mr. Price presented a danger to the crew or the passengers.

5. Defendant Price testified that he did not vomit, did not trip or fall, threaten anyone or exhibit any hostile behavior towards anyone prior to or during boarding for the subject flight. (Deposition of Benjamin Price at 59:15- 60:4, attached hereto as Exhibit “B”). Nor does he recall being on the phone during the relevant time. (Deposition of Benjamin Price at 59:7-10, attached hereto as Exhibit “B”).

6. The lead flight attendant on the subject flight, Dequavius Baker, testified that he did not observe anything out of the ordinary with Defendant Price and knew nothing of the subject incident until plaintiff reported the same to him after the aircraft had landed. (Deposition of Dequavius Baker at 16:7-18:18, attached hereto as Exhibit “C”).

7. On the date of the subject incident, plaintiff, J.D., was “traveling on official government duty as an armed law enforcement officer.” (Exhibit “A” at ¶17).

8. Despite being an on-duty law enforcement officer, plaintiff J.D., did not notify any Delta employee or representative that she believed defendant Price to be a potential danger nor did she report that she concluded he was intoxicated when he boarded and took his seat.

9. Defendant Price was not served any alcoholic beverages during the subject flight. (See the Answers to Interrogatories of plaintiff, attached hereto as Exhibit “D”, at No. 5).

10. Defendant Price “passed out” after getting situated on the flight according to plaintiff J.D., there is no evidence or testimony that any Delta employee had any interaction with defendant Price after the time of boarding until after the aircraft had landed. (Exhibit “A” at ¶28).

11. When asked in discovery to identify “all facts, evidence and witnesses” to support her allegation that defendant Price was “visibly, noticeably, and obviously intoxicated” when he boarded the subject flight, plaintiffs responded solely with her own observations of Defendant Price. (Exhibit “D” at No. 4).

12. Defendant Benjamin Price pled guilty to assaulting plaintiff J.D. on board Flight 1860 on May 20, 2018. (Exhibit “A” at ¶4).

13. Prior to filing their motion, undersigned counsel contacted plaintiffs' counsel of records, who advised that she does not agree to the relief sought herein.

Respectfully submitted,

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